

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

RAMIRO NORIEGA, #37245-037

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Petitioner

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v

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Civil Action No. PJM-11-1759

WARDEN

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Respondent

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MEMORANDUM OPINION

Ramiro Noriega, an inmate confined at the Federal Prison Camp at Lompoc California, sent correspondence to this Court challenging the calculation of his federal sentence by the Bureau of Prisons (BOP). ECF No. 1. For reasons to follow, this Court construes the correspondence as a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 which shall be dismissed without prejudice.

Noriega pleaded guilty in this Court to conspiracy to distribute and possess with intent to distribute five or more kilograms of cocaine in violation of 21 U.S.C. § 846, and was sentenced to 174 months of incarceration to run concurrent to his term of imprisonment served in Arkansas. *United States v. Noriega*, Criminal Action No. PJM-01-533 (D. Md.). In this Petition, Noriega claims the BOP has failed to credit him for state time served until the date his federal sentence was imposed. Petition, p. 1. Noriega does not indicate whether he sought redress through the BOP administrative remedy procedure process prior to presenting his claims before this Court.

A § 2241 petition attacks the manner in which a sentence is executed and must generally be filed in the judicial district where a petitioner is in custody. *See* 28 U.S.C. § 2241(a); *Braden v. 30th Judicial Circuit*, 410 U.S. 484, 495-500 (1973); *United States v. Miller*, 871 F. 2d 488, 490 (4th Cir. 1989). Noriega is in custody of the Warden at the Federal Prison Camp at Lompoc

California. That facility is in the Central District of California.¹ Accordingly, the Court will dismiss this case without prejudice to refiling in the appropriate judicial district. There is no basis for issuing a Certificate of Appealability. *See* 28 U.S.C. § 2253(c) (2). A separate Order follows.

July 13, 2011

/s/
PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE

¹ The Court may be reached at: United States District Court for the Central District of California, Roybal Federal Building, 255 East Temple Street, Los Angeles, California 90012. The telephone numbers are (213) 894-1565 or (213) 894-2215.